



U.S. Department of Justice
Civil Division, Federal Programs Branch

Via First-Class Mail **Via Overnight Delivery**
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February 24, 2006

Via Federal Express & Electronic Mail

Christopher A. Hansen
ACLU Foundation
125 Broad Street
New York, NY 10004

Re: ACLU, et al. v. Gonzales (E.D. Pa. No. 98-5591)

Dear Mr. Hansen:

We have received your letter of February 15, 2006, regarding your notice of deposition seeking testimony under Rule 30(b)(6) as to, *inter alia*, "the Department of Justice's definitions of 'obscene' and 'harmful to minors'." As you know, we have serious concerns regarding the scope of that notice, and we had proposed that you reformulate your notice into interrogatories or a deposition on written questions, so that a clear record could be created for the Court of the contours of any disagreement that might arise between the parties as to the proper scope of questioning. We regret to learn that you have rejected this proposal, and that you have not suggested any alternative accommodation for our concerns other than to invite us to file a motion with the Court.

You contend in your letter that the specificity that is lacking in your deposition notice may be supplied by your letter of January 11, 2006. Unfortunately, that letter does not provide the clarification necessary to ensure that your deposition would not intrude upon objectionable topics.

We again invite you to consider our offer to accept service of interrogatories or a deposition of written questions.

Sincerely,

Raphael O. Gomez
Senior Trial Counsel
Federal Programs Branch
Civil Division